

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
RHODIUM ENCORE LLC, <i>et al.</i> , ¹	§	Case No. 24-90448 (ARP)
Debtors.	§	(Jointly Administered)
	§	
	§	
	§	

**EMERGENCY MOTION OF DEBTORS TO CONTINUE HEARING ON
NICHOLAS CERASUOLO’S MOTION FOR AN ORDER ALLOWING
LATE FILED CLAIM TO BE TREATED AS TIMELY FILED (ECF 881)**

Emergency relief has been requested. Relief is requested not later than 9:00 a.m. (Prevailing Central Time) on May 1, 2025. If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

Audio communication will be by use of the Court’s dial-in facility. You may access the facility at 832-917-1510. Once connected, you will be asked to enter the conference room number. Judge Perez’s conference code number is 282694. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge’s home page. The meeting code is “JudgePerez.” Click the settings icon in the upper right corner and enter your name under the personal information setting.

Hearing appearances must be made electronically in advance of both electronic and in-person *hearings*. To make your appearance, click the “Electronic Appearance” link on Judge Perez’s home page. Select the case name, complete the required fields and click “Submit” to complete your appearance.

¹ The Debtors in these chapter 11 cases and the last four digits of their corporate identification numbers are as follows: Rhodium Encore LLC (3974), Jordan HPC LLC (3683), Rhodium JV LLC (5323), Rhodium 2.0 LLC (1013), Rhodium 10MW LLC (4142), Rhodium 30MW LLC (0263), Rhodium Enterprises, Inc. (6290), Rhodium Technologies LLC (3973), Rhodium Renewables LLC (0748), Air HPC LLC (0387), Rhodium Shared Services LLC (5868), Rhodium Ready Ventures LLC (8618), Rhodium Industries LLC (4771), Rhodium Encore Sub LLC (1064), Jordan HPC Sub LLC (0463), Rhodium 2.0 Sub LLC (5319), Rhodium 10MW Sub LLC (3827), Rhodium 30MW Sub LLC (4386), and Rhodium Renewables Sub LLC (9511). The mailing and service address of the Debtors in these chapter 11 cases is 2617 Bissonnet Street, Suite 234, Houston, TX 77005.

The debtors and debtors-in-possession (collectively, the “Debtors”),² respectfully state as follows:

Relief Requested

1. By this Emergency Motion, the Debtors seek entry of an order (the “Order”) continuing the hearing on *Nicholas Cerasuolo’s Motion for an Order Allowing Late Filed Claim to be Treated as Timely Filed* (ECF 881) (the “Motion”), which hearing is currently scheduled for May 1, 2025 at 2:30 p.m. Specifically, the Debtors request an approximately two-week continuance of the proposed hearing to May 14, 2025. The continuance is appropriate given that the Debtors and the other stakeholders in these chapter 11 cases are actively participating in a plan-related mediation that began on April 28, 2025, and is continuing as of this filing. The Debtors further request this continuance in light of the substantial number of exhibits and evidentiary materials that Mr. Cerasuolo apparently intends to submit in support of the Motion, and in the hopes that the scope of the evidence to be presented to the Court in connection with the Motion can be narrowed prior to the hearing on the Motion.

2. The principal statutory bases for this Motion are sections 105(a), 501 and 502 of the Bankruptcy Code, Rules 2002, 9006, and 9013 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Local Rules”).

² A detailed description of the Debtors and their businesses is set forth in the *Declaration of David Dunn in Support of Chapter 11 Petitions and First Day Motions* (the “First Day Declaration”) (ECF No. 35) filed with the Debtors’ voluntary petitions for relief under title 11 of the United States Code (the “Bankruptcy Code”), on August 24, 2024 and August 29, 2024 (the “Petition Dates”). The Debtors are operating their businesses as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee, examiner or official committee has been appointed.

Jurisdiction and Venue

3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This Motion is a core proceeding under 28 U.S.C. § 157(b).

4. Venue in the Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

Bases for Relief Requested

5. The Debtors request a brief, two-week continuance of the hearing on the Motion to promote the efficient resolution of these cases generally and of the Motion specifically. With respect to the former, the Debtors and nearly all major stakeholders in these chapter 11 cases (including Mr. Cerasuolo) are currently in a plan-related mediation before Judge Nelms that began on Monday, April 28, 2025. Moreover, the Debtors closed the sale of their Rockdale facility on April 28, 2025, and have been attending to follow-up issues stemming from that sale.

6. The efforts to wind-down the Debtors' active business operations and resolve many, if not all, of the issues relating to a plan of reorganization for the Debtors have understandably consumed the Debtors' focus and that of their major constituencies during this period. To allow those efforts to succeed, the Debtors respectfully request that the Court continue the hearing on the Motion for approximately two weeks. Such continuance would be to a time convenient to the Court and to the parties.

7. The Debtors also anticipate that they will confer with Mr. Cerasuolo and the Ad Hoc Group of SAFE Parties – which has also objected to the Motion – during the period of the continuance, in an effort to narrow the scope of evidence that may be presented in connection with the Motion and related objections. The Debtors are hopeful those efforts will result in a simpler, more efficient hearing on the Motion.

8. The Debtors have sought the continuance requested herein from Mr. Cerasuolo; however, as of this writing he has not agreed. Counsel for the Ad Hoc Group of SAFE Parties,

as the other objector to the Motion, has consented to the continuance requested herein. Such continuance will not prejudice Mr. Cerasuolo in any plausible fashion, and accordingly should be granted.

Emergency Consideration

9. Pursuant to Bankruptcy Local Rule 9013-1, the Debtors respectfully request emergency consideration of this Motion because relief is necessary to avoid immediate and irreparable harm that a delay in notifying equity interest holders of the Bar Date would cause.

Notice

10. Notice of this Motion will be provided to all parties in interest listed on the master service list maintained by the Debtors pursuant to paragraph 11 of the Procedures for Complex Cases in the Southern District of Texas. The Debtors respectfully submit that no further notice is required under the circumstances.

Upon the foregoing Motion, the Debtors respectfully request that the Court (a) enter an order granting this Motion, substantially in the attached form, and (b) grant such other relief as is just and proper.

Respectfully submitted this 29th day of April, 2025.

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

/s/ Patricia B. Tomasco

Patricia B. Tomasco (SBN 01797600)

Cameron Kelly (SBN 24120936)

Alain Jaquet (*pro hac vice*)

Rachel Harrington (*pro hac vice*)

700 Louisiana Street, Suite 3900

Houston, Texas 77002

Telephone: 713-221-7000

Facsimile: 713-221-7100

Email: pattytomasco@quinnemanuel.com

Email: cameronkelly@quinnemanuel.com

Email: alainjaquet@quinnemanuel.com

Email: rachelharrington@quinnemanuel.com

- and -

Eric Winston (*pro hac vice*)

Razmig Izakelian (*pro hac vice*)

Ben Roth (*pro hac vice*)

865 S. Figueroa Street, 10th Floor

Los Angeles, California 90017

Telephone: 213-443-3000

Facsimile: 213-443-3100

Email: ericwinston@quinnemanuel.com

Email: razmigizakelian@quinnemanuel.com

Email: benroth@quinnemanuel.com

Counsel to the Debtors and
Debtors-In-Possession

CERTIFICATE OF ACCURACY

I certify that the foregoing statements are true and accurate to the best of my knowledge. This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

/s/ Patricia B. Tomasco
Patricia B. Tomasco

CERTIFICATE OF SERVICE

I certify that, on April 29, 2025, a true and correct copy of the foregoing Motion was served through the Electronic Case Filing system of the United States Bankruptcy Court for the Southern District of Texas, and will be served as set forth in the Affidavit of Service to be filed by the Debtors' noticing agent.

/s/ Patricia B. Tomasco
Patricia B. Tomasco